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9 Attorneys for Defendant and Cross-Claimant  
 10 MOYER PRODUCTS, INC.

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UNITED STATES DISTRICT COURT  
 NORTHERN DISTRICT OF CALIFORNIA

MAXIM I PROPERTIES, a general  
 partnership,  
 Plaintiff,  
 v.  
 A.M. BUD KROHN, et al.,  
 Defendants.  
 AND RELATED CROSS-ACTIONS.

CASE NO. 4:12-CV-00449 DMR  
**JOINT STIPULATION AND REQUEST  
 FOR CONTINUANCE OF FURTHER  
 CASE MANAGEMENT  
 CONFERENCE AND RELATED  
 DEADLINES; ORDER (AS MODIFIED)**

Judge: Honorable Donna M. Ryu  
 Action Filed: January 27, 2012

This Joint Stipulation and Request for Continuance of the scheduled Case Management Conference is submitted on behalf of all parties remaining in this litigation as a result of ongoing settlement negotiations held pursuant to ADR Local Rule 7-1, under the direction of Magistrate Judge Cisneros.

WHEREAS, pursuant to this Court's order of February 23, 2024 (Doc. 354) granting the Order (as modified) on the Joint Stipulation and Request for Continuance of Case Management Conference and Related Deadlines, the Court set a date of April 17, 2024, at 1:30 p.m. for a continued Case Management Videoconference; and

WHEREAS, said Order (as modified) also set a deadline of April 10, 2024 for the parties to file a Joint Case Management Conference Statement; and

1           WHEREAS, by minute order dated February 15, 2024 (Doc. 3553), a telephonic status  
2 conference was scheduled with Magistrate Judge Cisneros on March 28, 2024 at 1:00 p.m. for the  
3 parties to provide Judge Cisneros a progress update regarding resolution of the case. The parties  
4 appeared at the March 28 telephonic status conference and advised Magistrate Judge Cisneros  
5 that the parties' settlement negotiations are ongoing and the parties continue to be in  
6 communication with the California Department of Toxic Substances Control (DTSC) in  
7 furtherance of these settlement efforts. As a result of that status conference call, Magistrate Judge  
8 Cisneros issued a minute order on March 28, 2024 (Doc. 356) to reconvene the status conference  
9 call on April 4, 2024 at 1:00 p.m. and requested that the parties invite DTSC to participate in the  
10 April 4 call. On April 4, 2024, the parties attended the reconvened status conference. DTSC did  
11 not participate in the April 4 call but is in contact with the parties in furtherance of discussions  
12 related to settlement efforts. Additional meetings and communications with DTSC remain  
13 necessary to the ongoing settlement efforts. Magistrate Judge Cisneros has therefore set a further  
14 telephonic conference for May 2, 2024, at 4:00 p.m. (Doc. 357).

15           WHEREAS, in recognition of the May 2, 2024 status conference with Magistrate Judge  
16 Cisneros and the ongoing communications with DTSC regarding issues critical to the settlement  
17 efforts, the parties agree and request that the Case Management Conference, currently scheduled  
18 on April 17, 2024, be continued to a date after June 6, 2024, subject to the Court's availability.  
19 The parties further agree and request that the current deadline to file a joint Case Management  
20 Conference Statement be continued to a date consistent with the new Case Management  
21 Conference.

22           NOW, THEREFORE, the parties hereby stipulate and jointly request that:

23           1.       The Case Management Conference currently scheduled on April 17, 2024 shall be  
24 continued to a date convenient for the Court after June 6, 2024; and

25           ///

26           ///

27           ///

1           2. The date for submission and filing of a joint Case Management Conference  
2 Statement be continued to an appropriate date prior to the date of the continued Case  
3 Management Conference.

4           DATED: April 5, 2024

SOMACH SIMMONS & DUNN  
A Professional Corporation

5           By: /s/ Theresa C. Barfield  
6                   THERESA C. BARFIELD  
7                   Attorneys for MOYER PRODUCTS, INC.

8           DATED: April 5, 2024

NIXON PEABODY LLP

9           By: /s/ Theresa C. Barfield (for Gregory O'Hara)  
10                   GREGORY P. O'HARA  
11                   Attorneys for MAXIM I PROPERTIES

12           DATED: April 5, 2024

BERKES CRANE SANTANA & SPANGLER LLP

13           By: /s/ Theresa C. Barfield (for Laurie Julien)  
14                   LAURIE S. JULIEN  
15                   Attorneys for CENTRAL COATING COMPANY,  
16                   INC.

17           DATED: April 9, 2024

BURNHAM BROWN

18           By: /s/ Theresa C. Barfield (for Charles Alfonzo)  
19                   CHARLES ALFONZO  
20                   Attorneys for A.M. BUD KROHN and  
21                   NATIONAL AUTO RECOVERY BUREAU, INC.

22           DATED: April 5, 2024

SILICON VALLEY LAW GROUP

23           By: /s/ Theresa C. Barfield (for Kathryn Barrett)  
24                   KATHRYN E. BARRETT  
25                   Attorneys for TELEWAVE, INC. and  
26                   THERMIONICS LABORATORY, INC.

27           DATED: April 9, 2024

SPENCER FANE LLP

28           By: /s/ Theresa C. Barfield (for Servando Sandoval)  
29                   SERVANDO SANDOVAL  
30                   Attorneys for SPRAYTRONICS, INC.

1 DATED: April 5, 2024

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2 By: /s/ Theresa C. Barfield (for Robert Farrell)  
3 GLENN FRIEDMAN  
4 ROBERT FARRELL  
5 Attorneys for THE SHERWIN-WILLIAMS  
COMPANY

6 DATED: April 5, 2024

7 BAY LAW GROUP LLP

8 By: /s/ Theresa C. Barfield (for Joshua Bloom)  
9 JOSHUA A. BLOOM  
10 Attorneys for RENESAS ELECTRONIC  
11 AMERICA, INC.

12 SOMACH SIMMONS & DUNN  
13 A Professional Corporation

# GENERAL ORDER 45 CERTIFICATION

I, Theresa C. Barfield, hereby attest, pursuant to N.D. Cal. General Order No. 45, that the concurrence to the filing of this document has been obtained from each signatory hereto, with the person approving the stipulation and consenting to the signing thereof noted on each signature line.

DATED: April 5, 2024

SOMACH SIMMONS & DUNN  
A Professional Corporation

By: /s/ Theresa C. Barfield  
Theresa C. Barfield  
Attorneys for MOYER PRODUCTS, INC.

**SOMACH SIMMONS & DUNN  
A Professional Corporation**

## **ORDER AS MODIFIED**

PURSUANT TO STIPULATION AND GOOD CAUSE APPEARING THEREFORE, IT IS  
HEREBY ORDERED THAT:

1. The Further Case Management Conference scheduled for April 17, 2024, at 1:30 p.m. is hereby continued to July 17, 2024, at 1:30 p.m. in Oakland, by videoconference only, before Chief Magistrate Judge Donna M. Ryu. All counsel and parties may access the webinar information (public hearings) at <https://cand.uscourts.gov/judges/ryu-donna-m-dmr/>.

2. Parties shall file an updated Joint Case Management Conference Statement by July 10, 2024.

IT IS SO ORDERED AS MODIFIED

DATED: April 10, 2024

## Chief Magistrate Judge Donna Ryu

**CERTIFICATE OF SERVICE**

*Maxim I Properties v. Krohn, et al.*

United States District Court – Northern District of California  
Case No. 4:12-cv-00449-DMR

I am a citizen of the United States and am employed in the County of Sacramento, State of California. I am over the age of eighteen (18) and not a party to the within action. My business address is 500 Capitol Mall, Suite 1000, Sacramento, California 95814. I declare that I am employed in the offices of a member of the bar of this court at whose direction the service was made.

XX [Electronic Transmission] I hereby certify that on the date identified below, I electronically transmitted the foregoing **JOINT STIPULATION AND REQUEST FOR ADDITIONAL CONTINUANCE OF CASE MANAGEMENT CONFERENCE AND RELATED DEADLINES; [PROPOSED] ORDER** to the Clerk of the Court using the CM/ECF System for filing, which will generate and transmit a notice of electronic filing to the CM/ECF registrants identified on the attached Service List:

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Executed on April 9, 2024, at Sacramento, California.

/s/ Jennifer Estabrook

Jennifer Estabrook

**SERVICE LIST**

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